

ORIGINAL

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**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission  
RAIL SAFETY SECTION

BNSF RAILWAY COMPANY, PINE CREEK )  
TOWNSHIP ROAD DISTRICT, and the )  
STATE OF ILLINOIS, DEPARTMENT OF )  
TRANSPORTATION, )

T06-0024

Stipulated Agreement regarding improving public )  
safety at the Valentine Road highway-rail grade )  
crossing of the BNSF Railway Company's track )  
near Polo, Ogle County, Illinois designated as )  
crossing AAR/DOT #069 836N, railroad milepost )  
108.40-B. )

**SUPPLEMENTAL PETITION**

Now comes supplemental petitioner, BNSF Railway Company ("BNSF") by its attorneys, Kenneth J. Wysoglad & Associates and for its supplemental petition to the Illinois Commerce Commission requests the entry of a supplemental order authorizing an increase in the cost for the proposed improvements and allocating the increased project costs among the parties in the same percentages as set forth in the May 17, 2006 order of the Illinois Commerce Commission and companion Stipulated Agreement. In support thereof, BNSF states as follows:

1. On March 10, 2006, March 24, 2006, April 10, 2006, and April 11, 2006 the staff of the Illinois Commerce Commission, Illinois Department of Transportation, BNSF and Pine Creek Township Road District, respectively, executed Stipulated Agreement No. 1162. The Stipulated Agreement provided for the installation of automatic flashing light signals and gates, controlled by constant warning time circuitry at the Valentine Road Crossing, milepost 108.40-B, AAR/DOT no. 069 836N.

**DOCKETED**

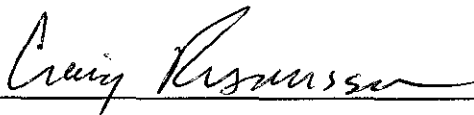
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2. In anticipation of preparation and execution of the aforesaid Stipulated Agreement, BNSF was requested to prepare an estimate of cost for installation of the automatic warning devices to be installed at the Valentine Road at grade crossing. Prior to February 24, 2006 BNSF prepared the requested estimate. The original estimate for installation of the automatic warning devices at the Valentine Road at grade crossing was \$180,536. The original estimate was attached to and made part of the Stipulated Agreement.
3. When the original estimate was prepared, BNSF's estimator was not aware that a track electracode project was scheduled for the track area involving the Valentine Road at grade crossing locations.
4. Subsequent to execution of the Stipulated Agreement and entry of the order of May 17, 2006 BNSF's public projects personnel and signal estimator became aware of the on-going electracode project. Upon learning of the electracode project, BNSF proceeded to reestimate the cost of installing automatic warning devices with constant warning time circuitry at the Valentine Road at grade crossing. Electracing of the track required certain redesign of the proposed warning device system. Originally, the warning device installation was estimated with direct current track circuits. Now, however, the warning device signal system will require extra constant warning time looks. Moreover, BNSF is no longer able to use the dual-wide band shunts as originally proposed.

5. Attached hereto, marked Exhibit A is BNSF's revised cost estimate and signal plan which has been updated and revised to accommodate the electracoode project. It is now estimated that the total cost of installation of the automatic flashing light signals and gates with constant warning time to be \$207,793.

Wherefore, BNSF Railway Company prays that the Illinois Commerce Commission enter a supplemental order, without the necessity of a hearing, authorizing an increase in the project cost from \$180,536 to \$207,793 and further order that the cost of the project remain allocated among the parties in the same percentages as contained in the original order, specifically *Grade Crossing Protection Fund* 85% (\$176,624.05), *Road District* 10% (\$20,779.30) and BNSF 5% (\$10,389.65), and for such other and further relief as the Illinois Commerce Commission deems just and appropriate.

BNSF RAILWAY COMPANY



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KENNETH J. WYSOGLAD & ASSOCIATES



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Michael L. Sazdanoff  
Kenneth J. Wysoglad & Associates  
Attorneys for Petitioner  
BNSF Railway Company  
118 S. Clinton Street, Suite 700  
Chicago, IL 60661  
(312) 441-0333

STATE OF MINNESOTA )  
 ) SS  
COUNTY OF HENNEPIN )

**VERIFICATION**

Craig Rasmussen, being duly sworn on oath, states that he is Manager Public Projects for BNSF Railway Company, supplemental petitioner herein, that he is duly authorized by said Railroad Company to sign, verify and file the foregoing supplemental petition; that he has knowledge of the matters set forth in said supplemental petition and that the same are true and correct.

BNSF RAILWAY COMPANY



Craig Rasmussen

Subscribed and Sworn to before  
me this 22 day of

August, 2006

  
Notary Public



\*\*\*\*\* MAINTAIN PROPRIETARY CONFIDENTIALITY \*\*\*\*\*

THE B. N. S. F. RAILWAY COMPANY  
FHPM ESTIMATE FOR  
ILLINOIS

LOCATION: - WEST STRATFORD DETAILS OF ESTIMATE PLAN ITEM: PSI069836N VERSION: 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL CONSTANT WARNING AND FLASHERS WITH GATES AT VALENTINE ROAD IN POLO IL, CHICAGO  
DIV., AURORA SUBDIV., L/S 0003, M.P. 108.40, DOT # 069836N

MONTHLY POWER UTILITY COST CENTER: 61690

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTATIVE PACKAGES USED FOR ESTIMATING PURPOSE ONLY.

THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS, DETAILED AND ACCURATE MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED.

CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF RAILROAD.

THIS ESTIMATE GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR MATERIAL, LABOR, AND OVERHEADS.

\*\*\*\*\* SIGNAL WORK ONLY \*\*\*\*\*

THE STATE OF ILLINOIS IS FUNDING APPROXIMATELY 95% WITH BNSF FUNDING APPROXIMATELY 5% OF THIS PROJECT.

MAINTAIN PROPRIETARY CONFIDENTIALITY

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$
*****				
LABOR				
*****				
ELECTRICAL LABOR F/POWER TRANS SYS	54.00	MH	1.277	
SIGNAL FIELD LABOR - CAP	880.00	MH	19.202	
SIGNAL SHOP LABOR - CAP	80.00	MH	1.808	
PAYROLL ASSOCIATED COSTS			17.978	
EQUIPMENT EXPENSES			5.579	
DA LABOR OVERHEADS			20.065	
INSURANCE EXPENSES			3.514	
TOTAL LABOR COST			69.423	69.423

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MATERIAL

\*\*\*\*\*

2 TRACK SIGNS	2.00	EA N	132	
BATTERY	1.00	EA N	5.032	
BUNGALOW 6X8	1.00	EA N	8.566	
BUNGALOW MATERIAL	1.00	LS N	5.936	
CABLE	1.00	EA N	5.450	
CHARGERS	1.00	LS N	810	
CHOKE	2.00	EA N	344	
CONDUIT, PVC 4", SCH 80	60.00	FT N	234	
CONSTANT WARNING 2TKBI-DI	1.00	EA N	20.620	
CONSTANT WARNING 2TKBI-DI	1.00	EA N	18.620	
DC TRACK CIRCUIT	1.00	LS N	1.500	
DUAL WIDE BAND SHUNT	2.00	EA N	666	
DUMMY LOAD	3.00	EA N	1.254	
FIELD MATERIAL	1.00	LS N	4.044	
FOUNDATION	2.00	EA N	970	
GATE MECH. MODEL 95 COMPLETE	2.00	EA N	10.718	
GUARD RAIL, 1/2 OVAL	2.00	EA N	908	
LAMP RESISTOR PANEL	1.00	EA N	761	
LED GATE KIT	2.00	EA N	732	
LED LIGHT COST ADJUSTMENT	8.00	EA N	1.792	
LIGHT OUT DETECTOR	1.00	EA N	706	
MATERIAL FOR ELECTRICAL	1.00	EA	1.500	
MISC WIRING MATERIAL	1.00	LS N	250	
RECORDER	1.00	EA N	2.220	
RTU-6, CELLULAR MONITOR	1.00	EA N	2.060	
SHUNT, NBS	6.00	EA N	3.174	
MATERIAL HANDLING			75	
USE TAX			6.485	
OFFLINE TRANSPORTATION			1.231	

Exhibit A

*****	TOTAL MATERIAL COST		-----	-----
			106.790	106.790
*****	OTHER			
*****				
AC POWER SERVICE	1.00 EA	5.000		
CONTRACT ENGR.	1.00 EA N	5.000		
FILL DIRT	40.00 CY N	1.000		
SURFACE ROCK	30.00 CY N	750		
			-----	-----
	TOTAL OTHER ITEMS COST		11.750	11.750
			-----	-----
	PROJECT SUBTOTAL			187.963
	CONTINGENCIES			18.796
	BILL PREPARATION FEE			1.034
			-----	-----
	GROSS PROJECT COST			207.793
	LESS COST PAID BY BNSF			10.390
			-----	-----
	TOTAL BILLABLE COST			197.403

\*\*\* FOR COST ONLY \*\*\*

## PROOF OF SERVICE

Michael L. Sazdanoff, an attorney, being first duly sworn on oath, deposes and says that on the 28<sup>th</sup> day of August, 2006 he caused to be served, a true and correct copy of **SUPPLEMENTAL PETITION** upon:

Mr. Milton R. Sees  
Director of Highways, Chief Engineer  
Attention: Jeff Harpring Rm. 204  
Illinois Department of Transportation  
2300 S. Dirksen Pkwy.  
Springfield, IL 62764

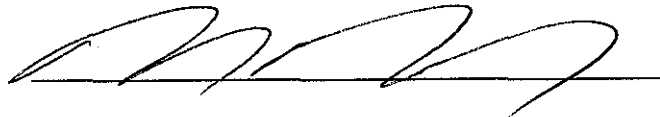
Ms. Ellen Schanzie-Haskins  
Chief Counsel  
Illinois Department of Transportation  
Attn: Thomas Benson  
2300 S. Dirksen Pkwy. Rm. 300  
Springfield, IL 62764

Mr. Henry Humphries  
Railroad Section  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701

Mr. Michael Stead  
Rail Safety Program Administrator  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, Illinois 62701

by depositing same in the U.S. Mail depository located at Chicago, Illinois in an envelope(s) with

first-class postage, prepaid.

A handwritten signature in black ink, appearing to be 'M. Sazdanoff', written over a horizontal line.